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Stakeholder Report

Strengths, Weaknesses, Opportunities and
Threats Facing the Milpitas Ethics Program

by
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29 March 2004

"The Most Important Task of Political Life..."

"We've all seen how politics can reflect our worst values of selfishness, greed, divisiveness, fear, and power. Yet we long to see how politics could reflect our best values of compassion, community, diversity, hope, and service. Reconnecting politics to our best values is now the most important task of political life."

—Jim Wallis. *The Soul of Politics*. New York: Harcourt Brace & Co., 1994, p. 18.

I. Background

This report draws on 44 one-on-one interviews and one public meeting (with 26 Milpitas residents, Council and Commission members and City staff) conducted from February 11-18 and March 12-18 with the last interview on April 2, 2004. Forty-two were face-to-face interviews; 2 were conducted by phone¹.

The goal of the interviews, as described in the Project's scope of work, was to conduct what is known in the discipline of strategic planning as a "S-W-O-T analysis." Its purpose is:

to discover the unique strengths, weaknesses, opportunities, and threats facing this [ethics] effort in Milpitas, (for the consultant) to become familiar with the personalities and politics of the City, identify the key stakeholders, and make certain they and their interests are identified, represented, and integrated into the effort as completely as possible.

All face-to-face interviews took place in City Hall. The average interview lasted 30-40 minutes. While there were minor variations, the typical interview began with the consultant introducing himself, giving brief background and the goals of the Milpitas Ethics Program, and describing the purpose of the interview.

The goals of the Milpitas Ethics Program were described as:

- to improve the ethics of campaigns,
- to foster public trust,
- and to encourage best conduct in pursuit of the City's mission.

The purpose of the interview was described in this way:

"My purpose here today is to meet key stakeholders, hear what concerns them, gain their help in understanding the way things are done around here, test the approaches I

¹ See Appendix 6 for complete list of those interviewed.

might use, and gain your advice on what I might do as the consultant to maximize our chances of success...”

Interviewees were told that a stakeholder report would be written for Council and the public, but that their individual comments would be pooled with those of other people and no one’s identity would be revealed. In this way, the surveys would be anonymous. See additional information on confidentiality in Appendix 2.

Given that, this is a report of conclusions and “main messages” drawn from the interviews. The strengths the City brings to the program are discussed first. This is followed by people’s perceptions of the need for the program, the opportunities it presents, and the threats facing it. The report concludes with some questions the City’s leadership and other stakeholders may wish to consider and act on. Ethics programs should always be about facts, analysis, choices and, especially, action.

Finally, one clarification and one disclaimer:

Clarification: In a few places below, I have included charts and data drawn from the recently completed, but not yet reported on, Citizen Survey 2004. The full Citizen Survey, including the charts I’ve included below, is the subject of a separate survey report, which will be presented at a future Council meeting.

Disclaimer: This report is based on the perceptions of the people interviewed for it. These involved their judgments about people and events, motivations and agendas, that have taken place or are taking place in the City. These interviews in turn formed the foundation for the perceptions and conclusions of the author of this report. The author’s relevant personal experience with Milpitas is also included in the narrative where it is helpful.

In any report that is based on perception, the chance of error is increased. All errors of fact, judgment, or perception are solely the author’s. The Steering Committee read a near-final draft of this paper and offered suggestions, but this final version reflects solely the author’s opinions and not those of the City of Milpitas, Santa Clara University or any department within it. The author takes responsibility for any errors in the content of this report.

2. Strengths

It was a privilege to meet the leadership of Milpitas--elected, appointed, and employed by the City. A few of the leaders interviewed have retired from public life or have moved on to seek further public office. Others are current citizen-leaders, members of Boards or Commissions, especially the CAC who spearheaded and championed this ethics program. We heard the stories of some who have sought or are seeking election to public leadership positions, as well as the perspectives of a few political consultants or volunteers whose job or role it is to get them elected. We valued very much the

opportunity to meet with the leaders of almost all the employee bargaining units, as well as leaders representing business interests in Milpitas. Finally, it was a privilege to meet other leaders who work with or alongside Milpitas' leadership—the Milpitas School Board and Milpitas Schools, *Milpitas Post* and the *San Jose Mercury News*.

The repeated use of the word “leader” in the previous paragraph is deliberate. The first and major strengths Milpitas brings to this ethics program are people with the talent, experience, and willingness to take on leadership roles. It is important to remember that a great many people, in addition to the Council, provide leadership and services to the City of Milpitas. These are all people who are trying to do their individual best for the City. So, when the word “leadership” is used below, it is meant to encompass all the leaders interviewed for this report, not solely the Council.

Today, Milpitas can boast (in an ethically appropriate manner, of course) of a leadership that is highly skilled, accomplished, and justifiably proud of where the City is right now. In this difficult economic time, these leaders can also be described as “courageous” (in facing the challenges) and “resourceful” (in trying to maintain the high quality of services and keep employee morale at the high level that many people have reported.)

No one coasts around here. Everyone, from the people who work at the information desk (whom I had many occasions to observe) to the Council, City Manager, and Department Heads works long hours. They continually push themselves (and the people around them) to get better, to do more (today with less), and to provide excellent citizen services. A few examples spring to mind: these were the characteristics of the approach of the CAC members who came to all the workshops run in a nearby City in the previous year before they submitted this project for Council approval. These are the characteristics evident every day in the staff of the ethics program, the IS and Planning staff who made the Citizen Survey work, and staff and citizen members of this project's Steering Committee whom the author has had the chance to observe at work. There are many, many similar examples that were described during the interviews.

One has to be struck by the amount of work these individual leaders are doing for the people of Milpitas, as well as by their great commitment to the work and to the City, and by the generosity of spirit that was described time and again, especially at the public meeting. There the 26 people in attendance were able to derive virtually all the great values of civic life by telling stories of what made them proud about Milpitas. These were stories of care, compassion, service, beauty, safety, preserving people's livelihoods, conserving natural resources, and enhancing and enriching people's lives.

Every individual has his or her own reason for working this hard, but the values in the previous paragraph were mentioned many times as giving life and hope to the people interviewed. Nowhere does this seem to be about compensation, though I am told that people who work for the City of Milpitas are generally compensated well. The Council, like most Councils in our state, work long hours for very little monetary compensation, a fact everyone needs to remember, especially when many people are watching the Council's actions as closely as they are. It is easy to forget that each Council member

has another full-time job in addition to their second “full-time job” with the City of Milpitas. This reminder is presented here simply because it a fact that did not come up during the interviews.

Milpitas’ greatest strengths, in general, are these individuals, pretty much all good people just trying to do the best they can for Milpitas and its residents. These leaders are also the greatest strength for the Milpitas Ethics Program. Milpitas is blessed with many people of character and courage who make invaluable contributions to Milpitas and its residents and many who are excellent role models for many of the values we would wish were characteristic of leaders everywhere.

The Milpitas program will be a program that promotes certain public service and leadership “values.” We define values as “deeply held beliefs and inner dispositions about what is important for us to do or be as human beings” and public service values as those beliefs that are important for public leaders in order to generate public trust. Many of the stakeholders interviewed consider public service among the most important values they hold. Most, if not all, are people who cherish and try to practice the additional values of integrity, respect, fiscal responsibility, and a host of others.

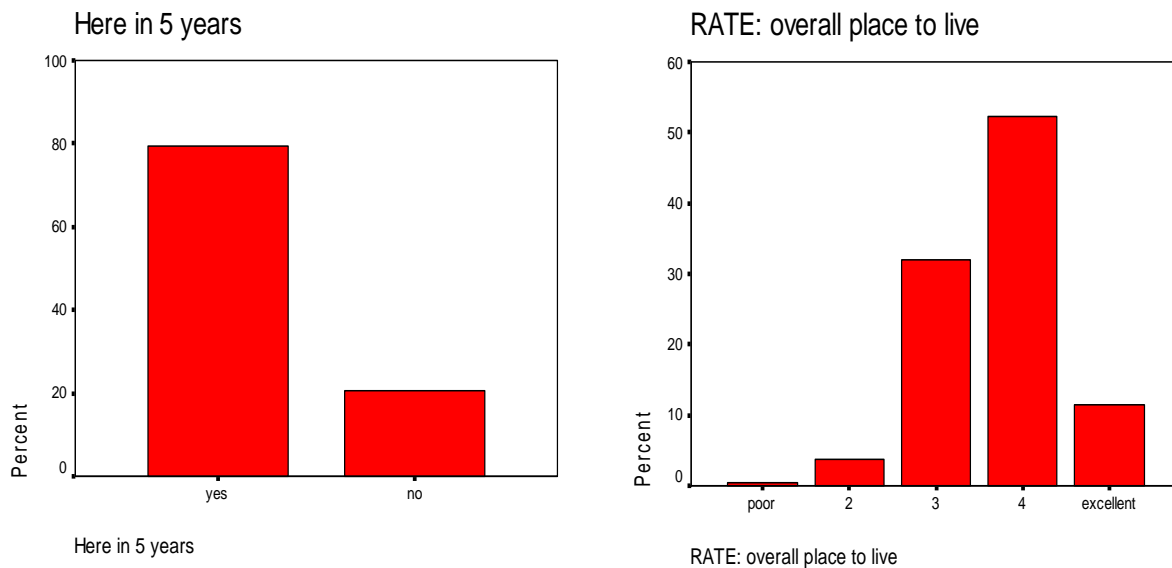
This is a strength because we learn values from role models, people we respect who act in ways that are pro-social. These leaders build up the community by their behavior, and contribute to public trust by the habits of mind and heart they bring to work everyday. Milpitas has many excellent role models.

The Ethics Program focuses on the values people hold and the principles they practice when they are “at their best.” Virtually every ethics standard in Western Culture can be traced to human beings’ reflection across time and across cultures on the way we treat each other and the natural environment when we are “at our best.” At those times we are naturally ethical, responsible, and committed.

The Ethics Code meetings start by asking people, “When we are at our best in our treatment of citizens and each other, what values do we practice?” It will not be difficult to answer the question by looking at Milpitas leadership in many and various places. We will not have trouble describing ourselves as people of competence, dedication, hard work, service-oriented, responsible, or a host of others.

Think of the collective impact of all those values-in-practice everyday. It is no wonder that the Citizen Survey shows that residents rate Milpitas very highly as a place to live, to feel safe, and to raise a family. The charts on the next page show Milpitas residents’ high rating of the City as a place to live overall. The second was a response to, “Do you plan to live in Milpitas five years from now?” The answer to that question is quite clear: almost 80% of respondents said they plan to be living in Milpitas five years from now.

It is worth noting that when people are unhappy with the cities in which they live, they move or they plan to move, despite difficult economic times. So it is significant that almost 80% of respondents to the survey plan to be in Milpitas five years from now. Both of these charts are indicators that citizens are satisfied with the services they receive.



We see a similar response in the question that asked whether the City was heading in the right direction, the wrong direction, or did people just not know. Almost 60% of the respondents say the City is headed in the right direction, less than 15% said it was headed in the wrong direction.

The fact that 30% don't know can be interpreted in a variety of ways. Some researchers feel that any response other than "wrong direction" should be interpreted positively. Citizens may not know what direction the city is going in because they have had no compelling bad reason to look: the city is doing its job well and most citizens are perfectly happy to know very little about the inner workings of their city because "nothing is broken."

This is related to another strength of the Ethics Program as we begin it. The program is not designed as “ethics traffic school.” The program is not a response to a scandal that has just happened or to an ethics mistake that someone made that hurts the City’s reputation and credibility for integrity. We are beginning the program at one of the best times: outside of a time of an ethics crisis, which should give everyone the opportunity to ask ourselves how we want to behave and what values we would want to practice should we come into a time of ethical crisis.

3. Weaknesses: “The Selfish Struggle for Power”

Let there be no doubt, however, that virtually all stakeholders see a real need for this program. All believe it presents an opportunity for the City and gives the City a chance to strengthen public trust.

Let us also be clear that many stakeholders interviewed for this report are reserving judgment about whether this program will succeed.

The single greatest number of concerns was raised about what people perceive as ethically questionable tactics and strategies employed during campaigns. People are also concerned because it appears to be increasingly difficult to know when, exactly, a campaign starts. Still others are concerned about what happens after the election when people who have been “campaign opponents” or “campaign enemies” seem to have difficulty working together for the common good now as “Council colleagues.” Still others are concerned about the impact of what is commonly perceived as “the 3-2 vote” on the Council.

Recent elections are in most people’s minds but in Milpitas, as in other municipalities, there is a longer history of ethically-questionable campaigns and campaign tactics. It is safe to say that everyone who has run for office in Milpitas has a story to tell, and evidence to show, of a harsh or unfair portrayal of them during the election.

Milpitas is also a small city with a very long memory. In that memory, the line between victim and victimizer becomes faint: someone is likely to remember some story of perceived unfairness or lack of respect involving virtually every person in the Milpitas public service pool by virtually every other person in the pool. In some cases, it is difficult to determine who threw the first rock.

To be sure, harsh portrayals and rough-and-tumble, hard-hitting campaigns are part of our country’s culture and, many believe, absolutely necessary for democracy to survive. Every American has a right to free speech and we have granted those free speech rights great latitude during political campaigns.

What people described, however, were not the hard-hitting campaigns our forefathers and mothers may have envisioned, where candidates would be fair in “criticizing the record and policies of my opponent or political parties which merit such criticism,” as

the current voluntary California State Code of Fair Campaign Practices describes it. (See Appendix 5 for the entire Code.) While some people do believe that any comparison between candidates is unfair, most feel there is legitimate reason for such comparisons if their purpose is to inform the voter so they make their best choices in the ballot box.

The experience, concern, and worry of many stakeholders is that Milpitas politics has succumbed to a trend researchers have discovered in other parts of the country, where “Politics has been reduced to the selfish struggle for power among competing interests and groups, instead of a process of searching for the common good.”

What does the world look like when the politics of power overwhelms the politics of community? What does the world look like when self-interest runs rampant over our need to cooperate? What does the world look like when “win at all costs” seems to be the only important political goal and “crush the competition” seems to be the sole means to that end?

It looks like a world without ethics. In that world, “get someone else before they get you” is the only guiding principle. Respect, responsibility, and compassion disappear—or, many people believe, are practiced only by saints or election-losers.

Many people believe that the most difficult moral dilemmas are usually NOT those that involve the choice between “right” and “wrong.” Most mature adults make that choice easily. Much more difficult is the choice between “right” and “right”. In those dilemmas, we have to choose between two good values, like the public’s right to know vs. an individual’s privacy. But perhaps the most difficult choice is between two wrongs.

Some people of very strong character believe that the City has practiced “politics without principle” for so long that a candidate is left with the choice of two wrongs: “sacrifice your ethics, if you are to have any chance of winning” or “Don’t run, maintain your values, and prevent the community from the great benefit of your public service.”

Someone pointed out the sad irony of this situation. Many people believe they have to leave their values at home when they go to work. Here, some feel, a person’s values aren’t welcomed even at home.

Some will read what is written here and will believe we have captured the situation exactly. These are the people who believe Milpitas elections have reached a crisis point. They expect that the November 2004 race will be among the worst and nothing can prevent that. For others, campaigns have become uglier and more negative but are not at a crisis point; still others think elections have always been hard in the City, but people “deal with the hurt feelings and move on,” as one person put it. “Don’t people running for office expect this kind of negative campaigning?” was the way another person put it. “Isn’t this just the way the game is played?”

There are two answers to that question. In a world with ethics, there are rules governing the roughest contact sports, hostile encounters, even wars. In a world without ethics, there are no rules.

For many, it is increasingly difficult to put a box around Milpitas elections and say, “Well, that’s just the way elections everywhere are. Let’s move on.” Many stakeholders are worried by what they perceive as an ever-earlier date for the campaign to start. This is causing some stakeholders to ask, “Was that recent decision or statement in the best interests of Milpitas or was it just because the campaign has already started?” Others wonder whether the time set aside for “public comment” during Council discussions will remain the public’s time or will become the time candidates make public statements or engage in debate with the Council.

Finally, many stakeholders are concerned by what they perceive to be long-lasting carry-over effects after the election, such that the business of governing is hampered because of what went on during the campaign. Some have the perception that when any Councilmember makes a proposal to implement a good idea for Milpitas residents, that idea will be opposed automatically by other Council members. People’s perception is that this is a carry-over of negative feelings from elections or other hurts or slights that people carry with them to the dais.

Who bears responsibility for this situation in Milpitas? No one and everyone. The problems facing Milpitas are systems problems, not just individual problems. No one individual is the cause of this situation. Rather this is the combined result of many individual actions and reactions. Every stakeholder and stakeholder group is an interdependent player in this problem and every other problem facing Milpitas. The actions of one affect the actions of all.

A metaphor may help to demonstrate the point: At some point in the past, someone walks into an arena, picks up a rock, and throws it with strength and maybe anger at his or her opponent. Maybe it has the desired effect and the strategy works. That person in turn picks up two rocks and throws them in two different directions, where they strike others who pick up more rocks in turn. The melee that follows causes other people to believe that rocks are common, that you better carry one into the arena for protection, and you never know where or when the next rock is going to strike. Soon people start forming alliances to protect themselves against some of the rocks. Some of these alliances are visible; some work only behind the scenes. At some point someone convinces all the parties they should sign a voluntary promise not to throw rocks, a good idea, except that the promise itself becomes a special rock that is thrown at critical times before the election. Behind the scenes may be strategists and volunteers and others some rock throwers never even see. But while all this is going on, no one seems to notice that a lot of regular people who live around the arena are running for cover; other regular people put as much distance as they can between them and the rock throwers. Still others watch in horror, wring their hands, but don’t know what to do to change the situation. Still others are just disgusted and opt out, finding no similarities between them

and the dirty business of rock throwing that goes on in the arena. Some people have jobs in the arena. They can't escape and their morale plummets.

Who is responsible for this situation: everyone who throws a rock, everyone who forms alliances with and supports the throwers, everyone who plans the strategy, and everyone who watches, runs for cover and opts out. All are part of the system that supports the problem.

One final note: the emphasis in most stakeholder interviews was on the situation that has occupied these last pages. Let us note in passing that there are other important issues that create a context for the ethics program on the staff side. In a similar way to what we noted on the political side, these issues are issues for the entire senior leadership team, not just the City Manager.

On the staff side, the issues raised concern the need for stronger teamwork, deeper respect for opinions that disagree with one's own, the need for more collaborative problem-solving sessions, and some interpersonal communication styles that need adjusting.

4. Opportunities: Public Trust and Employee Morale

Universally, people see many opportunities for the Ethics Program to help address the political situation and, in a different initiative, to provide a mechanism for addressing the staff issues.

People described the opportunities in a variety of ways. We need to engage in the conversation about the values we share and the standards we can all agree to follow. An Ethics Code, people said, becomes an opportunity to:

- discover common ground
- strengthen the important relationships by making better choices
- make promises and commitments to citizens and to each other: this is what you can count on me for
- develop a common set of expectations for all the City's leadership
- be really clear that we are already doing a great job
- take some time to figure out how much better we can get and in which areas
- give us one set of standards that we all agree to be held accountable to
- decide how we want to guide our own actions and decisions, especially in tough calls about doing the right thing

- call us back when we lose our footing
- develop a process to overcome stumbling blocks
- give us a greater sense of purpose
- prod us and challenge us
- help us take stock and assess
- give us something more to celebrate

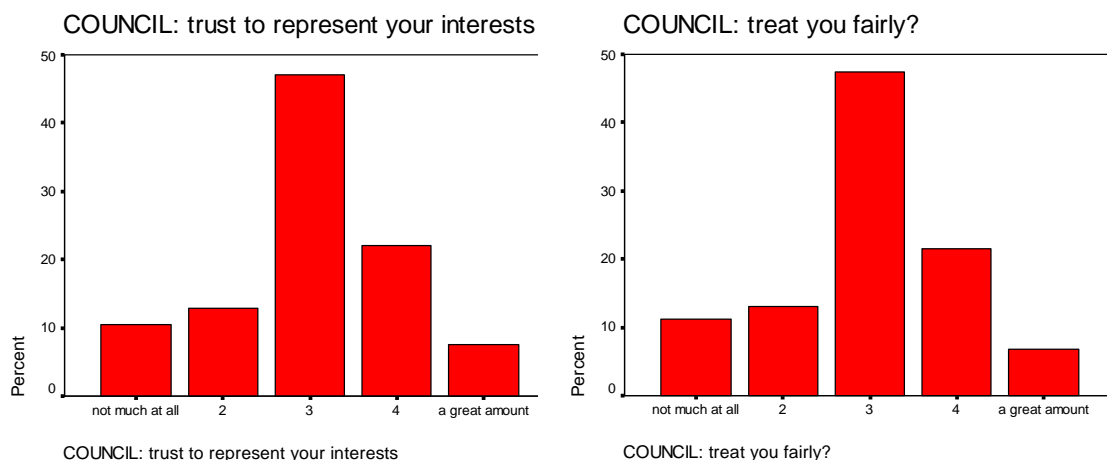
These are all real opportunities that the ethics program presents for Milpitas. The bottom line opportunity, however, is the opportunity to deepen public trust in the City's government and public confidence in the City services.

What are the opportunities with public trust or confidence? To begin, we need to remember that in our form of democracy authority comes from "the consent of the governed" and that consent rests on public trust, which in turn rests on the public's perception of ethical and values-centered behavior on the part of City leadership.

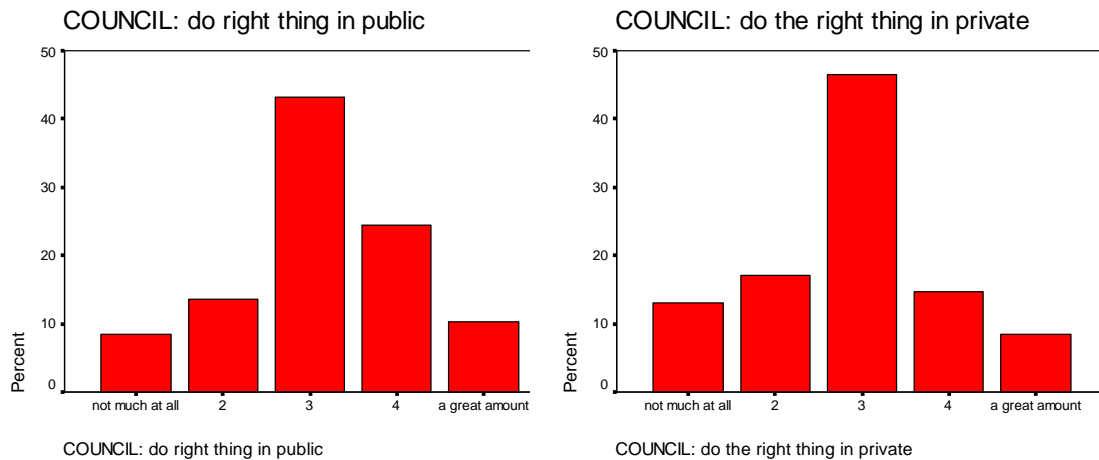
We also need to remember that public trust takes a long time to build and a very short time to damage or destroy.

What is the status of public trust right now? The Citizen Survey will provide full information about this topic, but for our purposes here, let us consider a few charts.

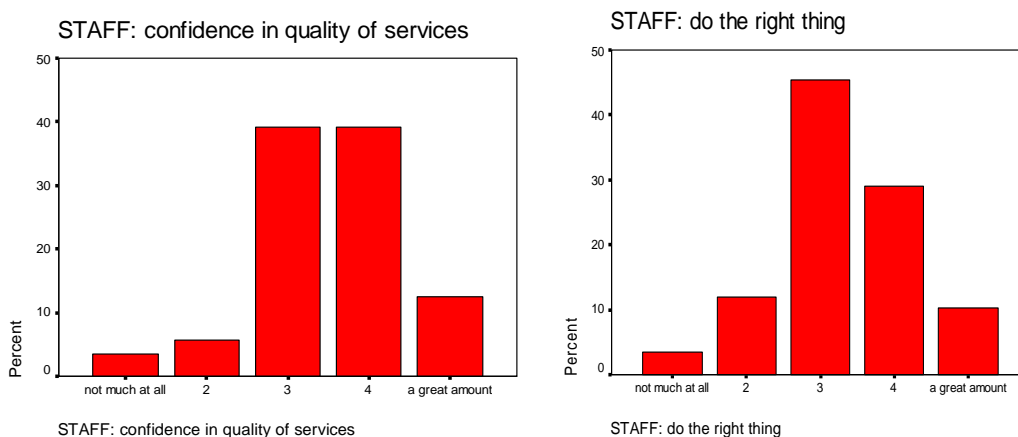
Do citizens trust the Council to represent their interests? We see about 28% of respondents in the 4 and 5 category, trusting the Council very much. We see about 25% on the other side, distrusting Council very much. Just slightly less than 50% are on the fence, waiting it out. We see virtually the same percentages in the question on how much Citizens would expect to be treated fairly by the Council if they brought a problem to the Council.



On the question of the Council's integrity, which is a key element in public trust, we see about the same numbers as we saw above. A slightly larger percentage believes the Council will do the right thing in public than in private, but again we see the same 20-30% who see problems in this area also.



When we turn to confidence in City services, we see a dramatic jump in the number of people who have confidence in the services with more than 50% rating their confidence at a 4 or 5, but still large numbers of 3's. We see about 40% rating the staff highly on the integrity issue, but an increase in the numbers who rate the staff low. It seems, however, from these data that staff and services are judged differently, and rated higher than the Council on similar questions. Leadership in both areas have the opportunity to discuss whether they see room and practical ways to improve these scores.



5. Threats: "Business as Usual"

Two threats emerged as the most serious.

The first is that nothing will change, or, in its worst statement, the Code will do more damage because people will place their hopes into it and then when nothing changes it will actually contribute to cynicism.

The second is around the capacity of the Council to lead this program by themselves. The consensus seems to be that the Council will be well advised to share ownership of this program with some group whose precise purpose and make-up is still to be determined.

These are well-founded concerns, ones we have already been discussing. People are justifiably cynical in every organization where a Code project takes place. They need to see leadership taking action consistent with the Code. In this the real concern for the leadership needs to be, “What you’re doing is speaking so loudly, I can’t hear what you’re saying.” If we do not find consistent commitment from the top and that commitment turning into action, things people can actually see and hear, the Code will quickly succumb. Cynicism will rise and public trust will decline.

People need to see all stakeholders, all members of the interdependent system we described earlier, but especially the Council and Senior Staff, working hard to be credible role models for the common Code we develop. That poses challenges for each stakeholder.

Drawing on their individual values and their own perspectives, each will make choices about the Ethics Code. On the one hand, is this my overall approach?: I ignore it, pretend to live it, wait it out, criticize it, demonize it? On the other: I try to live it, make it real in my own job, hold others to their promises, remove stumbling blocks one by one, make it a habit?

Each choice from each interdependent stakeholder will have an impact on all the other stakeholders, as well as on the program and the City as a whole. As we move forward, let us make an important point about a major threat to this program:

When it comes to ethics, *each* decision by every stakeholder either builds the City’s ethics climate and culture, or it tears it down, advances our ethics goals or diminishes them. There is no “steady state” when it comes to ethics. One decision *against* ethics is not balanced by one decision *for* ethics. Every decision with an ethical component to it builds the City’s ethics culture or tears it down, contributes to public trust or harms it.

As far as other threats are concerned, people raised issues of ego, hostile personalities bitter over the past, history, changes in the system, myopia or limited perspectives that make many people see the world only with their own blinders and from their own perspective, and so on.

Two additional threats are worth mentioning because they pose significant and immediate problems for the program. They are both delicate issues to raise and near the end of this document run the risk of being missed.

We will present them as two suggestions, to be discussed as soon as possible.

1. As much as possible, the City needs to separate politics from the stable and efficient management of the City. The City staff should not involve themselves in politicking, except in commonly accepted ways in keeping with people's freedom to form associations and to vote as they choose, supporting any one they choose. Similarly, the City Council should try to remove issues concerning City Staff from the political agenda of the City. City Staff should not become wedge issues in this campaign without running the risk of doing damage to a principle well-established in other cities: Council members come and go, especially with term limits. A stable work force and stable management provides the stability necessary to maintain public trust and confidence during Council transitions. Many stakeholders see this division blurring in the City and are concerned about it.
2. Similarly, there is some concern about a pattern of Council members disagreeing with each other on Tuesday and then playing it out the next week in the *Milpitas Post*. The feelings are mixed about the impact of this on public trust and confidence. On one hand, this gives the public valuable information; on the other, many people feel it diminishes the respect with which people look at the Council. We will have the opportunity to discuss this further as the program continues, but it is a serious threat as we begin our work. We can have the Code being written in one part of City Hall, while the role models are calling it into question, perhaps even without realizing it.

6. Conclusion

The author of this report believes that the Code Plan the Council recently adopted takes into account the weaknesses presented in this report, capitalizes on the opportunities and the strengths, and is, right now, the best guard against the threats. We will conclude by including the final decisions the Council reached and then pose two questions:

The Code we are developing is meant to be a guide for everyday actions and decision-making. It is a living document, translated into everyday actions by those who practice it. In adopting it, the City (and all whom the Code covers) promises citizens that they will do their best to practice its principles every day, to be guided by it in decision-making, and to be held accountable to its standards. If it is to remain a living document and integrated into the decision-making of the City, its effectiveness will need to be monitored and the Code itself updated according to a regular schedule to reflect changing needs in the City.

The Code will apply to the City Council, Board and Commission Members and others appointed by the Council, candidates running for office commencing with the

November, 2004 election, The City Manager and his Senior Staff. It is further understood that the leadership of the program rests with the City Council and, on the Staff side, the City Manager. Today the leaders of the program commit themselves to setting the bar for ethical conduct as high as possible and to working on the skills as described above in the paragraph that begins with “In practice...”

The Code will be one positive set of statements that describe us at our best and describe how we ought to treat residents and other City leaders; will name core ethical values and a set of behaviors specific enough so that it is clear to readers what that value looks like in practice. In developing its content, those drafting the Code will give careful consideration to the results of the Citizen Survey and to the Stakeholder report.

The Code will be developed collaboratively and over four sessions; Dr. Shanks will work with Staff on the final wording of the document after specific input from working groups during the sessions. The sessions will have representatives as suggested above or with mutually agreeable changes.

The program is intended to be a positive program, but it will require a clear accountability process. We propose that those involved in drafting the Code be asked for input and feedback during the last session. We further propose that we discuss an appropriate process for developing an Accountability System with the Steering Committee and return at a later date for approval of that development process.

Similarly, we propose to return to Council at a later date to outline and gain approval for the full implementation plan for the Code.

In a message to Congress on April 27, 1961, President John F. Kennedy said, “The ultimate answer to ethical problems in government is honest people in a good ethical environment. No web of statute or regulation, however intricately conceived, can hope to deal with the myriad possible challenges to a [person’s] integrity or his devotion to the public interest.” We believe that the Code, so developed, will build public trust and confidence.

To conclude this document, we would like to suggest a method for reflection that all City leaders could use individually or in a group to begin to build and deepen the ethics culture in Milpitas.

For individuals, at the end of the day to ask themselves these questions: When I consider my whole day, did I do more good than harm? Did I treat people with dignity and respect? Was I fair? Did I act in ways that will build public trust? Was my community a better place because I was in it?

For groups, even now before we have a code, we could ask: In what ways did our actions tonight contribute to public trust? In what ways were we role models tonight?

Appendix 1. Data, Purpose, and Method

This report draws on 44 one-on-one interviews and one public meeting (with 26 participants in addition to the consultant) conducted from February 11-18 and March 12-18 with the last interview conducted on April 2nd. Forty-two were face-to-face interviews; 2 were conducted by phone. See Appendix 6 for complete list of those interviewed.

The purpose of the interviews, as described in the Project's contract was "to discover the unique strengths, weaknesses, opportunities, and threats facing this [ethics] effort in Milpitas, (for the consultant) to become familiar with the personalities and politics of the City, identify the key stakeholders, and make certain they and their interests are identified, represented, and integrated into the effort as completely as possible." .

An additional purpose was to use the interviews to draft the Citizen Survey for approval. The interviews completed in February did shape the survey in significant ways: the survey was redesigned to be a random sample survey of citizens to gather their opinions about public trust, campaign politics, and the ethics codes citizens felt were most essential to include in this effort. Originally, a smaller non-random survey had been planned to gather input to shape the overall program more generally.

All face-to-face interviews took place in City Hall. The average interview lasted 30-40 minutes. While there were minor variations, the typical interview began with the consultant introducing himself, brief background to the Milpitas Ethics Program and its purposes, and a description of the purpose of the interview.

The purpose of the Milpitas ethics program was described as:

- To improve the ethics of campaigns,
- To foster public trust,
- And to encourage best conduct in pursuit of the City's mission.

The purpose of the interview was described in this way:

"My purpose here today is to meet key stakeholders, hear what concerns them, gain their help in understanding the way things are done around here, test the approaches I might use, and gain your advice on what I might do as the consultant to maximize our chances of success or to keep from shooting myself in the foot."

Appendix 2. Confidentiality

Interviewees were promised confidentiality and that their comments would not be attributable to them as individuals or to the group they might represent, if that would cause any foreseeable problem. This procedure was employed to try to get as open and honest a conversation going as was possible under the circumstances. This strategy was, by and large, successful. Virtually all interviewees were direct, forthright, and committed

to their comments. All comments, even those that were critical, seemed to have as their purpose the desire to give the consultant as complete a picture as possible of where the City was and what it might face as it moved to creating the Code of Ethics.

Subsequent conversations with the City Attorney's Office indicated that the relationship between the ethics consultant and city leaders is not a privileged one and that there would be no way to protect any notes taken during the meetings. To keep his promise to interviewees, the consultant did not keep individual interview notes. Instead, the consultant constructed anonymous, aggregated "main messages" which summarized the viewpoints he heard that day, rather than keeping questionnaires or notes that could be attributable to individuals.

Those main messages appear in this document. They represent the opinion of the author and do not necessarily represent the opinions or viewpoint of Milpitas, the Milpitas City Council, the City's Executive Leadership, Santa Clara University, or the Markkula Center for Applied Ethics.

Appendix 3. Interview Questions

While the interview may not have gotten to all these questions, these were the questions typically asked:

1. How are you involved with the City? Do you also live in Milpitas? Length of such involvements?
2. What do you understand the "need" to be for this ethics program? Why do you believe the Council approved it for candidates, elected officials, appointed officials, and senior Staff?
3. Ethics is about relationships, so let me ask you to tell me how you see the relationships you see among Council Members themselves, and between Council members and senior staff?
4. How well does City leadership do when a specific ethics issue comes up? How would you describe the ethical culture around City Hall? How are things done around here? What values guide them?
5. Are you familiar with the Ethics Code that Milpitas currently has, which went into effect in 1970 and which I believe was last revised in 1976?
6. That Code was primarily a legal document dealing with conflict of interest and gifts. The Code we're thinking about developing here is different. It develops in response to "When we're at our best in our treatment of citizens and each other, what character traits or values do we display--at our best?" The challenge then is, "What would it take for us to be at our best more often than not, in fact everyday?" Do you think this approach presents any opportunities for Milpitas, or do you think this approach wouldn't work?
7. What stumbling blocks do you think pose the greatest threat to the success of this program? How do we overcome them?

8. Leadership from the top is the single most important element to the success of ethics programs. Do you believe the current leadership has the capacity to lead the ethics program? Do all leaders have the capacity to be good role models for the Ethics Code?
9. Some people have said that the Council for a variety of reasons might need help with oversight of the Ethics Program and with accountability. What names, if any, come to mind of people inside or outside Milpitas come to mind who would be perceived as experienced, credible, wise, able to be objective and independent, not beholden to any political interests?
10. Finally, if you were going to give me one piece of advice on what I as the consultant might do to maximize or chance of success (and not to shoot myself in the foot), what might it be?
11. Anything else you'd like to add?

Appendix 4. "Stakeholders" and their "Interests"

For the purposes of this report, let's define a "stakeholder" as *any individual or group with a significant interest in the success or failure of the Milpitas Ethics Program.*

More specifically (and with examples of each type of stakeholder), these are the interests of individuals and groups who:

- will make decisions about the program (e.g., City Council, City Manager, Steering Committee, Senior Staff)
- are represented or led by the decision makers or who have legitimate rights which the decision makers are duty-bound to honor (e.g., all of the above, CAC, Board and Commission members, citizens at large, City staff and employees)
- will influence decisions directly and indirectly (e.g., all the above groups, local media, past and present candidates for public office, former Council members)
- will be affected by leaders' decisions and by the program itself (all of the above, as well as candidates for office, political consultants and volunteers, employee unions, School Board members, and others).
- will bring their own individual values, beliefs, and purposes (in other words, their own "interests") to our common project.

The use of "all of the above" in each category indicates that many individuals and groups have multiple interests and play multiple roles in the City. Each stakeholder or stakeholder group can be thought of as an interdependent part of the complex system which is the City, and, more specifically, the complex sub-system we will begin to build this week, the Milpitas Ethics Program. By "interdependent" we mean that each stakeholder usually sees the world from the perspective of his or her unique "front porch," and usually just has a piece of the background or a part of the story.

Appendix 5. Code of Fair Campaign Practices

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing the record and policies of my opponent or political parties which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based upon race, sex, religion, national origin, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf on my candidacy, or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any who violates any provision of this code or the laws governing elections

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairman of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Appendix 6. Complete list of those persons interviewed

Title/Affiliation	Name of person interviewed
Mayor of Milpitas	Jose Esteves
Council Member	Patricia (Trish) Dixon
Council Member	Armando Gomez
Council Member	Robert (Bob) Livengood
Council Member	Althea Polanski
MUSD Board President	Mike Mendizabal
MUSD Board Vice President	William Foulk
MUSD Board Member	Marsha Grilli
MUSD Board Member	Carmen Montano
MUSD Superintendent	Dr. Karl Black
MUSD Clerk	Barbara Santos
CAC Member	Marie Pham
Economic Development Commission Chair	Diane McDonough
Former CAC member	Ray Maglalang
City Manager	Thomas (Tom) Wilson
Assistant City Manager	Blair King
City Attorney	Steve Mattas
Ctiy Clerk	Gail Blalock
Building Director	Edgar Rodriguez
City Engineer	Mike McNeely
Finance Director	Emma Karlan
Fire Captain	Bill Weisgerber
HR Director	Cherie Rosenquist
Information Services Director	Bill Marion
Planning & Neighborhood Preservation, Acting Director	Tambri Heyden
Police Captain	Charles Lawson
Public Works Sr. Representative	Carol Randisi
Recreation Manager	Bonnie Greiner

Title/Affiliation	Name of person interviewed
Employee Union President	Eddie Loreda
Employee Union President	David Gordillo
Employee Union President	Reggie Sutton
Employee Union President	Matt Toffey
Employee Union President	Dorsey Weisman
Former Council Candidate	Henry Manayan
Former Council Candidate	Jim Lawson
Former Council Candidate	Paul Hay
Former Council Candidate	Alex Galang
Former Council Candidate	Ed Connor
Former Council Candidate	Deepka Lalwani
Former Council Candidate	Ed Riffle
Editor/Publisher <i>Milpitas Post</i>	Robert Devincenzi
<i>SJMN</i> Editorial Board	David Yarnold
Campaign Consultant	Victor Aljouny
Volunteer campaign consultant and former campaign manager for SCC Supervisor Pete McHugh	Karen Serpa

Order of listing:

- City Council Members
- MUSD Board Members
- City Commissioners
- City Sr. Staff
- Employee Union Presidents
- Former campaign candidates
- Media Representatives
- Campaign consultants